

**From:** Kupchan, Simma  
**To:** Chemerys, Ruth  
**Cc:** Eisenberg, Mindy; Hurld, Kathy  
**Subject:** RE: OGC concurrence on Revised ESA FRN with new docket closure instructions  
**Date:** Tuesday, April 28, 2020 11:46:25 AM

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Attorney-Client Privileged / Deliberative Process / Attorney Work Product Privileged / FOIA Exempt

Hi Ruth,

Someone in our office noticed one last edit, which I've made in tracked changes:

## **Ex. 5 Attorney Client (AC)**

With this edit made, OGC concurs with the issuance of this FR notice.

## **Ex. 5 Attorney Client (AC)**

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Sent:** Tuesday, April 28, 2020 10:20 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** OGC concurrence on Revised ESA FRN with new docket closure instructions

Simma-

Attached is the latest version the FRN that Mindy will be sending up to OW. This incorporates your edits and some minor edits from Mindy. I also added the instructions for submitting comments electronically only during the docket closure.

Please send us the OGC concurrence email as soon as possible and let us know if you expect any issues.

Thanks!  
Ruth

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**From:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Sent:** Tuesday, April 28, 2020 8:06 AM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** Revised ESA FRN with new docket closure instructions

Hi Mindy-

Here is a revised version, inserting the language regarding docket closure (I left in redline for now). I pulled this from the ADP template that we were instructed to use during closure, but it would be good if Sandy can double check that this is the correct language and place in the document. Let me know if you want me to run it by Sandy now, or just send this as is up to OW.

Ruth

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**From:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Sent:** Monday, April 27, 2020 5:51 PM  
**To:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Subject:** RE: draft transmittals memos for ESA FRN

Thanks Ruth. I made a few minor edits, so please use this version and then send back to me. I will ask

Crystal Edwards to initiate a CMS entry as well as send an email to Janita and others in the IO with the documents so they can start their review.

Mindy

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Sent:** Monday, April 27, 2020 5:39 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** Re: draft transmittals memos for ESA FRN

Mindy - I'll take care of this first thing tomorrow. I may have forgotten to include the new language about electronic submittals. The only other thing might be an FRN cover sheet though that wasn't in the list Sandy sent previously.

Sent from my iPhone

On Apr 27, 2020, at 4:23 PM, Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)> wrote:

Good news is that John only had minor edits that he made directly. I think the only other attachment we need is OGC concurrence, since we have the revised FRN and typesetting request. Am I missing anything?

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Sent:** Monday, April 27, 2020 4:16 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Santell, Stephanie

<Santell.Stephanie@epa.gov>

**Subject:** RE: draft transmittals memos for ESA FRN

Thanks! Attaching slight tweaks incorporated in both—mine's not marked DRAFT as I am prepared to sign it if ready to go tonight/early tomorrow.

John

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**From:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

**Sent:** Monday, April 27, 2020 3:02 PM

**To:** Goodin, John <Goodin.John@epa.gov>; Santell, Stephanie  
<Santell.Stephanie@epa.gov>

**Subject:** draft transmittals memos for ESA FRN

DELIBERATIVE

John,

Attached are two transmittal memos for the FRN – one from you to Dave, and then from Dave to Brittany B. We are waiting to hear back if FL has any feedback on our inclusion of their white paper in the notice. Hopefully I will have more when we meet later.

Thanks,  
Mindy

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

<DRAFT ESA FRN Transmittal Memo OW to OP.docx>

<ESA FRN Transmittal Memo OD to AA April2020.docx>